

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
LIN KWOK KEUNG,
:

Plaintiff,
:

-v-
:

HAPPY GARDEN PALACE, INC. et al.,
:

Defendants.
:
-----X

22-CV-3728 (JMF)

ORDER OF DISMISSAL


JESSE M. FURMAN, United States District Judge:

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff was required to serve the Complaint on Defendants by August 8, 2022, but failed to do so. Accordingly, the Court ordered Plaintiff to show cause, in writing, by August 23, 2022, why the Court should not dismiss the case. *See* ECF No. 12. The Court warned that failure to comply with that order could result in dismissal without further notice. *See id.* To date, Plaintiff has not filed any written submission in response to the order to show cause. Instead, Plaintiff filed a status report addressed to Judge Broderick and concerning a different case. *See* ECF No. 14. Thus, Plaintiff has not explained why proper service was not effected within the 90 days required by Rule 4(m).

In light of the foregoing, the case is dismissed for failure to serve by the deadline. *See* Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant . . .”). The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: August 25, 2022
New York, New York



JESSE M. FURMAN
United States District Judge